

LAW OFFICE OF JENNIFER E. TUCEK, PC  
315 Madison Avenue, Suite 3054  
New York, New York 10017  
(917) 669-6991  
TucekLaw@Gmail.com

April 14, 2023

VIA ECF

Hon. Gary R. Brown  
United States District Court Eastern District  
100 Federal Plaza  
Central Islip, New York 11722

Re: *Monge v. 405 Hotel LLC, et al*  
Case No. 19-cv-0451(GRB)

Dear Judge Brown:

I represent the Plaintiff, Javier Monge, in the above-referenced matter. I write to oppose Defendants' request for a pre-motion conference to set aside the default judgment. Defendants' assertion that they were not aware of the Court's Order to obtain new counsel by March 22, 2022 (over a year ago) is utterly absurd. Magistrate Judge Lindsay ordered the Defendants to obtain new counsel on December 21, 2021, in the context of Defendants second attorney's Motion to Withdraw. (Docket No. 65). They were subsequently made aware by numerous Notices and Orders served upon them by Plaintiff as directed by Your Honor, as evidenced by certificates of service timely filed. It is simply not credible that Defendants received none of the Orders except for the Order of Default. Moreover, Defendants have been aware that they must obtain counsel or face a default, for some time, as they were in this very situation in October 2019, when their first counsel moved to withdraw. (Docket No. 15.). Defendants state that they would prefer to resolve this case on the merits. Nothing prevented Defendants from contacting me over the past year. Indeed, Defendants may still contact me to settle this case. Finally, Defendants do not assert any meritorious defense, a prerequisite to setting aside a default.

Plaintiff respectfully requests that the default judgment stand and that this case remain closed. In the event the court allows Defendants to move forward with a meritless motion of any kind, Plaintiff will cross-move for an Order of Contempt for failure to Comply with Your Honor's 3/9/2023 Default Judgment and Order. (Docket No. 83). Thank you.

Respectfully Submitted,

/s/ Jennifer E. Tucek

Jennifer E. Tucek  
Bar No. JT2609